

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number: 07844-0621001 / P572
	Application Number 10/699,124	Filed October 31, 2003
	First Named Inventor William M. Shapiro, et al.	
	Art Unit 2436	Examiner David G. Cervetti

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

applicant/inventor.

assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b)
is enclosed. (Form PTO/SB/96)

attorney or agent of record 47,671
(Reg. No.)

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Registration number if acting under 37 CFR 1.34



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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

Total of no. forms are submitted.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : William M. Shapiro, et al. Art Unit : 2436
Serial No. : 10/699,124 Examiner : David G. Cervetti
Filed : October 31, 2003 Conf. No. : 4993
Title : OFFLINE ACCESS IN A DOCUMENT CONTROL SYSTEM

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Pursuant to the Pre-Appeal Brief Conference Program, a request for a review of identified matters on appeal is hereby submitted in view of clear legal or factual deficiencies in the rejections. All rights to address additional matters in the full appeal brief are hereby reserved.

Claims 1, 4-19, 21-23, 26-41 and 43-57 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 7,380,120 to Garcia. The cited art fails to teach or suggest the claimed subject matter.

Claim 1 recites, “receiving a request from a client to take an action with respect to a first electronic document, the action unrelated to a second electronic document; and synchronizing offline access information with the client, in response to the request, to pre-authorize the client, to allow actions by a user as a member of a group of users, by sending to the client an update to offline access information retained at the client, the update comprising a first key associated with the group, the first key being useable at the client to access the second electronic document while offline by decrypting a second key in the second electronic document.”¹ Garcia fails to describe this subject matter. The Office asserts that “Garcia teaches such feature, since before going

¹ See Claim 1 (emphasis added).

offline, (Garcia, col.32-33) the user requests offline access authorization which is processed by the server, and includes updating (i.e. synchronize) rules and keys for offline access.”²

However, the requested actions described here and elsewhere in Garcia are clearly related to the document for which offline access is provided and thus cannot meet the claim requirement that the request be “unrelated to a second electronic document” to which pre-authorized client access is being granted. To address this deficiency of the rejection, the Office further states:³

Garcia teaches providing offline access to a particular document, and then the user can create a document while offline, i.e. second document. Further, the access control to this second document is "unrelated to the electronic document" for which offline access is provided.

But this statement misrepresents the actual claim language. It is not the access control to the second document that is "unrelated to the electronic document" for which offline access is provided. Rather, it is the action requested with respect to a first electronic document that is unrelated to the second electronic document for which offline access is provided.

Furthermore, by switching to referencing an uncreated document as the alleged second document of the claim, the Office has created an inconsistency in the proposed claim interpretation. In particular, the Office now states:⁴

When the user gets back to the company's premises and synchronizes (transparently), the synchronization applies not only to the files for which off-line access was requested prior to leave the premises, but also to the ones created while off-line (col.3-4).

² See 12/09/09 Office Action at pages 2-3.

³ See 12/09/09 Office Action at page 2.

⁴ See 12/09/09 Office Action at page 2; *see also* 02/25/2010 Advisory Action.

But this communication clearly represents a synchronization of access information generated while offline (i.e., for a document created while offline) back to a server system. Thus, it cannot be covered by “synchronizing offline access information with the client, in response to the request, to pre-authorize the client”, as recited in the claim. The client clearly doesn’t need authorization to take actions with respect to a document created at the client itself while offline.

In addition, dependent claim 11 recites, “wherein the offline access information update further comprises at least one set of document-permissions information, associated with a specific document, selected based on synchronization prioritization information.” The Office rejects this claim with a bare citation to col. 33, lines 1-67 of Garcia.⁵ However, this portion of Garcia describes enabling off-line access capability by, in part, placing “a time-sensitive access amendment to the desired secured documents”⁶ and says nothing about synchronization prioritization information used to select document-permissions information to update. The Advisory Action dated 02/25/2010 fails to respond to this point. Thus, there is a clear legal or factual deficiency in the rejection of at least claim 11, and at least claim 11 should be allowable.

⁵ See 12/09/09 Office Action at page 8.

⁶ See Garcia at col. 33, lines 10-22.

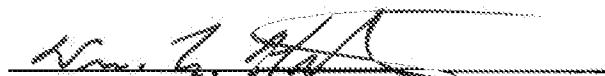
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Please apply the notice of appeal fee, and any other necessary charges or credits, to
Deposit Account No. 06-1050.

Respectfully submitted,

Date: March 9, 2010


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